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September 25, 2003

**SUMMARY OF  
*EX PARTE* PRESENTATION**

Ms. Marlene Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room TWA325  
Washington, DC 20554

**Re: Ex Parte Presentation CC Docket No. 95-116, 02-33**

Dear Ms. Dortch:

On September 24, 2003, the undersigned and Lawrence E. Sarjeant, United States Telecom Association (USTA), met with Lisa Zaina, Legal Advisor to Commissioner Jonathan Adelstein. The purpose of the meeting was to discuss the *Wireline Broadband* proceeding<sup>1</sup> and local number portability (LNP) in the context of the Cellular Telecommunications and Internet Association's Petitions' for Declaratory Ruling.<sup>2</sup>

Consistent with its prior filings in the *Wireline Broadband* proceeding, USTA articulated that incumbent local exchange carriers (ILECs) should be afforded the same opportunity as cable companies to structure their broadband offerings to meet the needs of their customers. USTA emphasized that the FCC's analysis in the *Cable Declaratory Ruling*<sup>3</sup> can be applied to ILECs, allowing ILECs the option of offering broadband transport via common carrier, private carriage, or as a telecommunications component of a single integrated Internet access service. By providing ILECs the flexibility to select the regulatory framework with which to provide broadband, they will have incentives to and be able to continue to deploy broadband competitively in the mass market. Moreover, regarding the issue of Internet service provider (ISP) access, USTA

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<sup>1</sup> *Appropriate Framework for Broadband Access to the Internet over Wireline Facilities; Universal service Obligations of Broadband Providers; Computer III further remand proceedings; Bell Operating Company Provision of Enhanced services; 1998 Biennial Regulatory Review-Review of Computer II and ONA Safeguards and Requirements*, CC Docket Nos. 02-33; 95-20; 98-10, FCC 02-42, Notice of Proposed Rulemaking (rel. Feb. 15, 2002).

<sup>2</sup> See Telephone Number Portability, CC Docket No. 95-116, *Petition for Declaratory Ruling of the Cellular Telecommunications & Internet Association* (filed Jan. 23, 2003); *Petition for Declaratory Ruling of the Cellular Telecommunications & Internet Association*, filed May 13, 2003.

<sup>3</sup> *Inquiry Concerning High-Speed Access to the Internet Over Cable and Other Facilities; Internet Over Cable Declaratory Ruling*, GN Docket No. 00-185, FCC 02-77 (rel. Mar. 15, 2002)).

emphasized that open access for ISPs to broadband transport should be encouraged but not mandated because there is no evidence that ISPs will be denied access to broadband platforms providing high speed access to the Internet. USTA noted that open access is not mandated for cable modem by FCC rules and that the same should be true for all mass market broadband service providers.

Further, USTA stressed the criticality of the need for the preservation of specific, predictable and sufficient universal service support mechanisms. To ensure the future sufficiency of universal service support, the FCC should require that all broadband and broadband services (common carrier broadband transport services, private carriage broadband transport services and broadband-based information services) contribute to USF support mechanisms pursuant to section 254(d) of the Communications Act of 1934.

Finally, in regards to LNP, USTA expressed its position that the impacts of inter-modal number portability upon wireline carriers must be fully considered by the FCC in a rulemaking proceeding.

In accordance with Section 1.1206(b)(2) of the Federal Communications Commission's (FCC) rules, this letter is being filed electronically with your office. Please feel free to contact me at (202) 326-7271 should you have any questions.

Sincerely,



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Michael T. McMenamin  
Associate Counsel

cc: Lisa Zaina

